

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2010-0254-CX

CASEFILE/PROJECT NUMBER: COC040171

PROJECT NAME: Black Sulphur Communication Site Building Upgrade

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 S., R. 98 W.,
sec. 29, lot 8.

APPLICANT: White River Electric Association, Inc. (WREA)

BACKGROUND/INTRODUCTION: The Mountain States Telephone & Telegraph Company was issued a right-of-way grant for the Black Sulphur Communication Site on May 04, 1960. The grant was assigned to WREA on December 06, 1972.

DESCRIPTION OF PROPOSED ACTION: WREA proposes to upgrade the 200 feet by 200 feet Black Sulphur Communication Site. Williams Production RMT Company (Williams) would place a 10 feet by 12 feet prefabricated building on skids for radio communication equipment. The building would be placed on the existing 12 feet by 12 feet concrete pad. The building would become the property of WREA. Williams would use the existing WREA 125 feet self supporting tower. Williams would clean up the site and fence the area with an approximately 8 feet tall chain link fence with barbed wire on top. There would be a propane fired generator on site.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Pages 2-49 thru 2-52

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number (E-13). *Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.*

The proposed action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exception	YES	NO
1. Have significant adverse effects on public health and safety.		X
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.		X
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X

Exception	YES	NO
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.		X
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.		X
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on September 14, 2010. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: The original ROW grant to Mountain States Telephone & Telegraph was issued before the enactment of the National Historic Preservation Act of 1996. As such, no cultural resources inventory was conducted before construction. Since that time several inventories have taken place that were either directly adjacent to the facility or encompassed the facility (Conner and Davenport 2006, Compliance Dated 8/16/2006, Highland 2005 Compliance Dated 6/9/2005, Schwendler et. al. 2008 Compliance dated 12/11/2009, Weber et al 1977 Compliance Dated 4/1977, Williams 1979 Compliance Dated 10/26/1979). Despite the variable experience of the researchers and variable quality of the various inventories over the years, all of the reports are consistent in that no cultural resources are identified near the communication facility. It is therefore likely that no cultural resources are located on or immediately adjacent to the site. Provided that all work is kept within the existing disturbance, it is not very likely that known cultural resources will be impacted. (MRS 10/29/2010)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 10/29/2010)

Paleontological Resources: The proposed action is located in an area generally mapped as the Uinta Formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 5 formation, meaning it is known to produce scientifically noteworthy fossil resources (Armstrong and Wolny 1989). Provided that no excavations except those necessary for the fence poles are needed to upgrade the facility, there should be limited potential to impact noteworthy fossil resources. (MRS 10/29/2010)

Threatened and Endangered Wildlife Species: No wildlife-related issues or concerns associated with the proposed action. (LRB 11/02/2010)

Special Status Plant Species: No concerns. (JKS 9/22/2010)

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

BLM

2004 BLM Manual 8110.23. Bureau of Land Management, Department of the Interior, Washington, D.C.

Conner, Carl E., and Barbara Davenport

2006 Class III Cultural Resource Inventory of a 6.6 Mile Long Portion of a Proposed pipeline Route and a 10-Acre Block in Rio Blanco County, Colorado for Sagebrush Pipeline LLC. Grand River Institute, Grand Junction, Colorado. (06-11-32)

Higland, Steven

2005 A Class III Cultural Resource Inventory for the Proposed Ryan Gulch 2-D Seismic Project, Rio Blanco County, Colorado. TRC Mariah Associates Inc., Salt Lake City, Utah. (05-22-01)

Schwendler, Rebecca, Sarah Baer, Karen Reed, Scott Phillips, Scott Slessman, Matthew Bandy, Nicole Kromarek, Scott Bowen, Max Wolk, Caryn M. Berg, Paul Burnett, Tom Witt, Sean Doyle, Michelle Delmas, Michael Cregger, John Kennedy, Judy cooper, Zonna Barnes, Amanda Cohen, Cynthia Manseau, Michael Retter, Dan Shosky, and Erin Salisbury

2008 A Class III Cultural Resource Inventory Report for the Ryan Gulch 3-D Geophysical Exploration Project, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield Colorado. (09-127-01)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

Weber, David A., Kevin T. Jones, Herbert Rodriquez, Calvin H. Jennings and Daryl J. Daugherty
1977 Archaeological Reconnaissance of Nine In Situ Oil Shale Lease Tracts, Colorado-Utah. Reports of the Laboratory of Public Archaeology No. 3, April, 1977.
Laboratory of Public Archaeology, Colorado State University, Fort Collins, Colorado. (77-03-09)

Williams, Gregory E.
1979 Proposed Buckley Christmas Tree Sale Area. Bureau of Land Management, White River resource Area, Meeker, Colorado. (79-10-66)

MITIGATION: All applicable terms, conditions, and stipulations of the original grant and any amendments will be carried forward and remain in full force and effect.

1. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

2. If it becomes necessary to excavate into the underlying rock formation to construct any of the planned upgrades, except for fence post holes drilled with a auger, a paleontological monitor shall be present for all such excavations.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by White River Field Office staff. Specific mitigation developed in the associated Categorical Exclusion and brought forward from the original grant will be followed.

NAME OF PREPARER: Stacey Burke

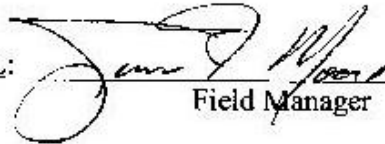
NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 11/24/2010

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:


Field Manager

DATE SIGNED:

11/26/2010

ATTACHMENTS: Exhibit A –Map of proposed action

WREA Black Sulphur Communication Site
T. 2 S., R. 98 W., sec. 29

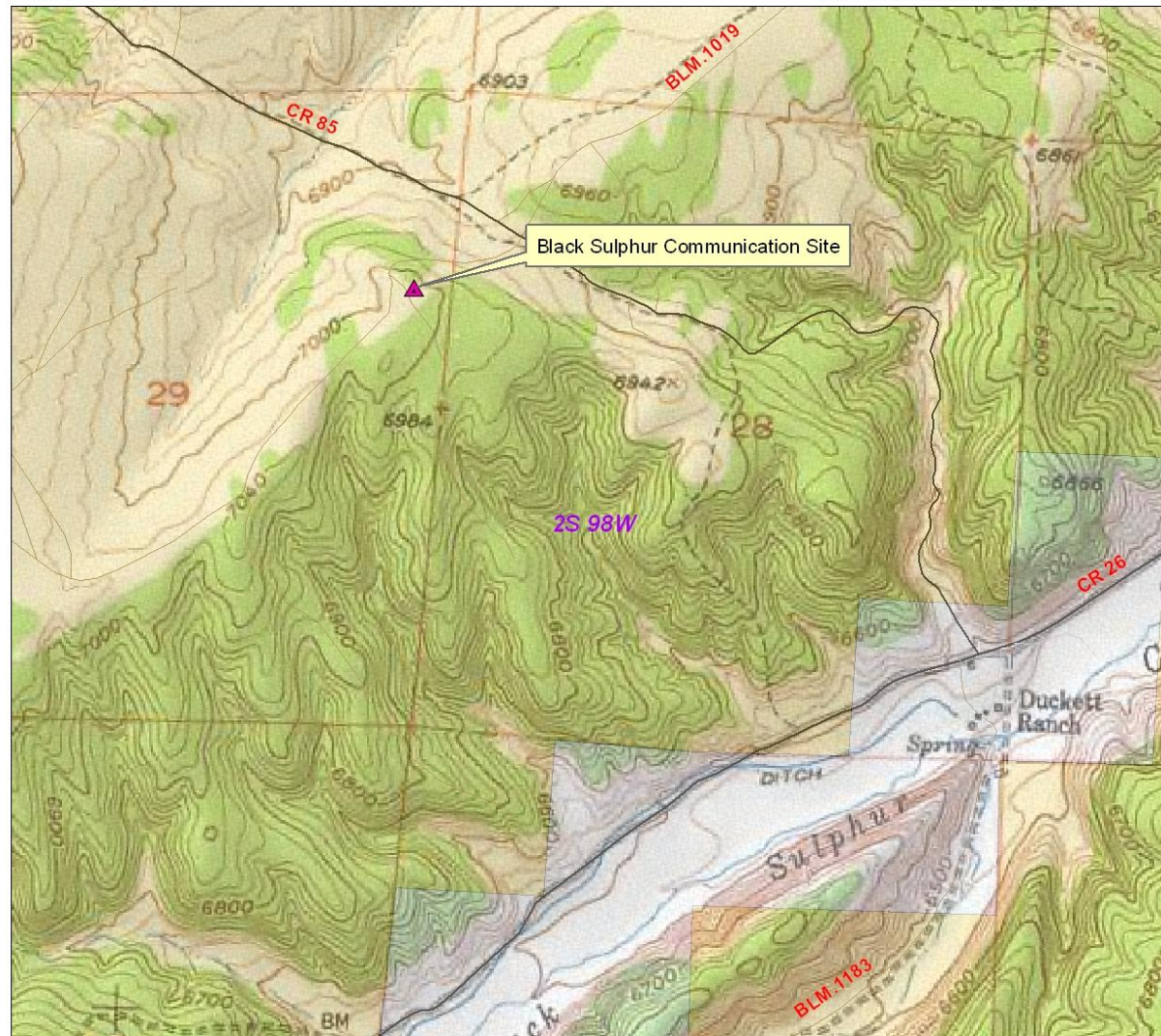
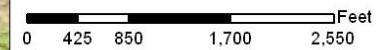
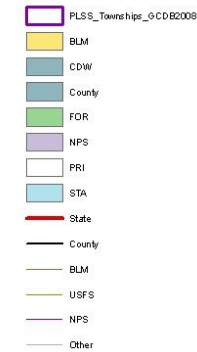


EXHIBIT A



Sources:
BLM, USGS, CDOW, etc.

Disclaimer:
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September 2010

